

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 74914

Edward S. Smith
Sharon L. Smith
960 Seneca Park Road
Baltimore MD 21220

136 Riverthorn Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-2-404, failure to repair/replace gutter/downspout on residential property zoned DR 10.5 known as 136 Riverthorn Road, 21220.

On May 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,600.00 (seven thousand six hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 12, 2010 for repair of hazardous or unsafe condition, repair roof, repair or replace rear downspout/gutter. A Correction Notice was issued on June 16, 2010 for removal of open dump/junk yard, remove trash and debris. This Citation was issued on May 20, 2010.

B. Photographs in the file show that the rear gutter on this residential investment property, which is an attached row townhouse, became detached and was hanging off the rear of the house, bent in half, as of March 2010. Photographs taken in June 2010 show the broken gutter has been removed but has not been replaced.

C. This is an investment property. Respondents are required by law to maintain the exterior of this rental property at least in conformance with county code standards, including maintaining the roof and gutters properly to protect this house and adjoining houses from improper water drainage. BCC Article 35, Title 2, Subtitle 4 (Maintenance of Investment Property); BCC Article 35, Title 5, Subtitle 2 (Rental Property). Respondents have failed to maintain this property to minimal code standards. This kind of inadequate maintenance of investment property is detrimental to communities. See BCC 35-2-402.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by August 16, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf